IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)	
UNITED STATES OF AMERICA,)	
Plaintiff,)	Civil Action No. 97-1863
v.)	Judge Conti
)	Chief Magistrate Judge Caiazza
ALLEGHENY LUDLUM, et al.)	
)	ELECTRONICALLY FILED
Defendants.)	

On July 21, 2005, this Court conducted a status conference during which the United States reported on the current status of the United States' process for resolving the liability of both de minimis and de maximus parties at the Breslube Penn Superfund Site, and moved for an extension of time for certain dates in the schedule. In particular, the United States requested that under the "De Maximus Timeline," the date for the "ROD Issuance" be extended from January 2006 to July 2006, and that all three subsequent dates on the "De Maximus Timeline" be similarly extended by six months. Having hear no objection to the United States' motion for such an extension, the Case Management Order shall be revised as follows:

REVISED ORDER

The United States will attempt to meet the following target dates in the **De Minimis**Settlement Timeline and the **De Maximus Timeline**. Since there are several variables in both timelines that are not within the United States' control (such as the extent of comments on lodged de minimis consent decrees, and completion of the RI/FS) that could cause the target dates to slip, the United States will notify the Court and liaison counsel in the event that it believes one or more of these dates must be extended. In the event that any of the dates listed below slip, any party may move the Court for a modification of this schedule.

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De Minimis Settlement Timeline	De Maximus Timeline
Lodging of First Round Consent Decree 1/05 (received by Clerk's Office 1/6/05, captioned United States v. Aetna, Inc., et al., C.A. No. 05-15)	EPA/DOJ evaluating de maximus 1-7/05 challenges while litigation remains administratively closed
Target Date for decisions on 7/05 remaining, more complex de minimis challenges, submitted as of 1/31/05 (if challenges submitted after that date, challenges may not be considered, or date may need to be extended).	Target Date for decisions on de 7/05 maximus challenges, submitted as of 1/31/05 (if challenges submitted after that date, challenges may not be considered, or date may need to be extended). For de maximus parties who have submitted a request to participate in a de minimis settlement, but who EPA determines are not eligible, EPA will supply, in writing,
Motion to Enter First Round 8/05 Consent Decree	an explanation for its determination.
Lodging of Supplemental Consent Decree, to First Round Decree 8/05	
Second Round De Minimis 9/05 Settlement Offers Mailed	

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De Minimis Settlement Timeline		De Maximus Timeline	
Motion to Enter Supplemental Round Consent Decree, (date depends on extent of comments on CD)	11/05	Litigation Reopened for 10/05-limited period (90 days) for 12/05 limited purpose of allowing the United States and/or any named defendant to add de maximus	
Second Round De Minimis Settlement CD lodged	11/05	PRPs, and/or de minimis PRPs who have not signed a Consent Decree. Newly named defendants should be required to answer, then litigation should be stayed, until:	
		1) the U.S. notifies the Court that RD/RA negotiations have failed, and all de minimis consent decrees have been entered; or 2) the Court enters an RD/RA Consent Decree, and all de minimis consent decrees have been entered.	

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De Minimis Settlement Timeline	De Maximus Timeline		
	Litigation Stayed	1/06	
	RI/FS Completed	1/06	
	ROD Issuance	7/06	
Motion to Enter Second 3/06 Round De Minimis CD (again, date depends on extent of comments on CD)	"Special Notice Letters" sent (assuming EPA decides to issue)	8/06	
Note- All lodged de minimis consent decrees must be entered before any	"Good Faith Offer" from De Maximus PRPs due	10/06	
litigation against non-settling de minimis PRPs begin in earnest (<i>i.e.</i> other than adding such PRPs as defendants and requiring them to answer).	If "Good Faith Offer" received, RD/RA negotiations	10-12/06	

IT IS SO ORDERED this 26 day of July , 2005.

Francis X. Caiazza

Chief U.S. Magistrate Judge

cc:

Lisa A. Cherup Environmental Enforcement Section U.S. Department of Justice P.O. Box 7611 Washington, D.C. 20044-7611

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Mary Rugala USEPA Region III 1650 Arch Street (3RC42) Philadelphia, PA 19103-2029

(Liaison Counsel for Work Group Defendants)

Thomas C. Gricks, III, Esq. Eckert, Seamans, Cherin, Mellott 1001 Corporate Drive Suite 200, Summit Corporate Center Canonsburg, PA 15317

Richard Hosking, Esq. Kirkpatrick & Lockhart 1500 Oliver Building Pittsburgh, PA 15222-5379

Timothy Hoffman, Esq. Coolidge, Wall, Womsley & Lombard 33 West First Street Suite 600 Dayton, OH 45402

Joseph L. Luciana, III, Esq. Kirkpatrick & Lockhart, LLP 1500 Oliver Building Pittsburgh, PA 15222-2312

Daniel M. Darragh, Esq. Buchanan Ingersoll, P.C. One Oxford Centre 301 Grant Street, 20th Floor Pittsburgh, PA 15219-1410

Louis A. Naugle, Esq. Reed, Smith, Shaw & McClay, LLP 435 Sixth Avenue Pittsburgh, PA 15219-1886

David Roach, Esq.
Jeff Carlino
Blair & Roach
2645 Sheridan Drive
Tonawanda, New York 14150

Scott Gould, Esq. McNees, Wallace & Nurick 100 Pine Street P.O. Box 1166 Harrisburg, PA 17108-1166

R. Paul Roecker, Esq.Greenberg Traurig P.A.111 North Orange Avenue, Suite 2050P.O. Box 4923Orlando, Florida 32802-4923

William J. Cluck, Esq. Saul, Ewing, Remick & Saul, LLP Penn National Insurance Tower Two North Second Street, 7th Floor Harrisburg, PA 17101

Mary Beth Deemer, Esq. Jones, Day, Reavis & Pogue One Mellon Bank Center 500 Grant Street, 31st Floor Pittsburgh, PA 15219

Russell S. Warner, Esq.
MacDonald Illig Jones, & Britton, LLP
100 State Street, Suite 700
Erie, Pennsylvania 16507-1498

Jonathan R. Black 99 Derby Street Suite 200 Hingham, MA 02043

Joseph R. Brendel, Esq. Thorpe, Reed & Armstrong 301 Grant Street One Oxford Center Pittsburgh, PA 15219

Ross S. Bash, Esq. Ross S. Bash Law Offices 2 West Pittsburgh Street Delmont, PA 15626-1430

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Michael Bogdonoff, Esq. Dechert, Price & Rhoads 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103

Lindsay Howard, Esq. Babst, Calland, Clements Two Gateway Center Eighth Floor Pittsburgh, PA 15222